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CERTIFICATE OF MAILING

I hereby certify that on 6/17/04, this paper (along with any paper referred to as being attached or enclosed) is being deposited via first class mail to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Shauna Murray

Applicant: **Gregory B. Williams**  
Serial No.: 09/553,223  
Filed: 04/20/2000  
Title: A COMBINED RAPID SUSCEPTIBILITY ASSAY AND MICROORGANISM IDENTIFICATION SYSTEM

EXAMINER: P. WEBER  
Group Art Unit: 1651  
Atty Docket No.: Dade 14380-34

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES

Commissioner for Patents  
Mail Stop AF  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed April 20, 2004 finally rejecting claims 43-52 and 60.

The items checked below are appropriate:

**1. STATUS OF APPLICATION**

This application is on behalf of

- other than a small entity  
 small entity

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. § 1.17(e) the fee for filing the Notice of Appeal is:

- small entity \$165.00  
 other than a small entity \$330.00  
**Notice of Appeal fee due** \$330.00

**3. EXTENSION OF TIME**

- (a)  Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. §§ 1.17(a)-(d) for the total number of months checked below:

07/09/2004 SSITHIB1 00000095 501329 09553223

01 FC:2401 165.00 DA

| Extension<br>(months)                 | Fee for other than<br>small entity | Fee for<br>small entity |
|---------------------------------------|------------------------------------|-------------------------|
| <input type="checkbox"/> one month    | \$ 110                             | \$ 55                   |
| <input type="checkbox"/> two months   | \$ 420                             | 210                     |
| <input type="checkbox"/> three months | \$ 950                             | 475                     |
| <input type="checkbox"/> four months  | \$1,480                            | 740                     |
| <input type="checkbox"/> five months  | \$2,010                            | 1,005                   |

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$\_\_\_\_\_

or

- (b)  Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

#### 4. TOTAL FEE DUE

The total fee due is:

|                        |                                      |
|------------------------|--------------------------------------|
| Notice of Appeal fee   | \$165.00                             |
| Extension fee (if any) | \$_____                              |
|                        | <b>TOTAL FEE DUE</b> <u>\$165.00</u> |

#### 5. FEE PAYMENT

- Attached is a check in the sum of \$\_\_\_\_\_
- Charge Account No. 50-1329 the sum of \$165.00

A duplicate of this transmittal is attached.

#### 6. FEE DEFICIENCY

- If any additional extension and/or fee is required, charge Account No. 50-1329.
- If any additional fee for claims is required, charge Account No. 50-1329.

Respectfully submitted,

  
Louis C. Cullman  
Reg. No. 39,645

June 17, 2004

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